

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

Case No. MD-07-0125A

CYNTHIA J. MODNY, M.D.

Holder of License No. 22577
For the Practice of Allopathic Medicine
In the State of Arizona.

**CONSENT AGREEMENT FOR
SURRENDER OF ACTIVE LICENSE
(Non-Disciplinary)****CONSENT AGREEMENT**

By mutual agreement and understanding between the Arizona Medical Board ("Board") and Cynthia J. Modny, M.D. ("Physician") the parties agree to the following disposition of this matter.

1. Physician has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Physician acknowledges she has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Physician voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Physician are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Physician. Therefore, said admissions by Physician are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

1 5. Upon signing this agreement, and returning this document (or a copy thereof) to the
2 Board's Executive Director, Physician may not revoke the acceptance of the Consent Agreement.
3 Physician may not make any modifications to the document. Any modifications to this original
4 document are ineffective and void unless mutually approved by the parties.

5 6. This Consent Agreement is a public record that will be publicly disseminated as a
6 formal non-disciplinary action of the Board and will be reported to the National Practitioner's Data
7 Bank and will be reported on the Board's web site as a non-disciplinary action.

8 7. If any part of the Consent Agreement is later declared void or otherwise
9 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force and
10 effect.

11 8. If the Board does not adopt this Consent Agreement, Respondent will not assert as
12 a defense that the Board's consideration of the Consent Agreement constitutes bias, prejudice,
13 prejudgment or other similar defense.

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15 Cynthia J. Godny M.D.
16 CYNTHIA J. GODNY, M.D.

Dated: 3/20/07

FINDINGS OF FACT

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2 1. The Board is the duly constituted authority for the regulation and control of the
3 practice of allopathic medicine in the State of Arizona.

4 2. Physician is the holder of License No. 22577 for the practice of allopathic medicine
5 in the State of Arizona.

6 3. On February 28, 2007 Physician informed the Board she is no longer able to
7 practice medicine due to a physical disability and has retired from the practice of medicine.
8 Physician requested the Board accept the surrender of her license.

9 4. There has been no finding of unprofessional conduct against Physician.

CONCLUSIONS OF LAW

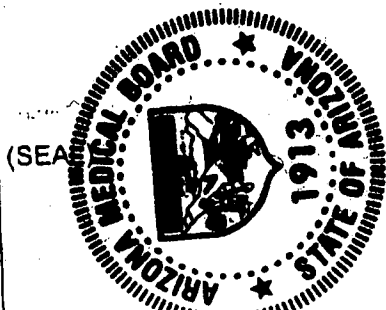
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11 1. The Board possesses jurisdiction over the subject matter hereof and over
12 Respondent.

13 2. The Board possesses statutory authority to enter into a consent agreement with a
14 physician and accept the surrender of an active license from a physician who is unable to safely
15 engage in the practice of medicine. A.R.S. § 32-1451(T)(1).

ORDER

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17 IT IS HEREBY ORDERED THAT License Number 22577 issued to Cynthia J. Modny, M.D.
18 for the practice of allopathic medicine in the State of Arizona is surrendered and that Cynthia J.
19 Modny, M.D. Immediately return her wallet card and certificate of licensure to the Board.
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1 DATED AND EFFECTIVE this 12th day of April, 2007.



ARIZONA MEDICAL BOARD

5 By [Signature]
6 TIMOTHY C. MILLER, J.D.
7 Executive Director

8 ORIGINAL of the foregoing filed this
9 13th day of April, 2007 with:

10 The Arizona Medical Board
11 9545 East Doubletree Ranch Road
12 Scottsdale, AZ 85258

13 EXECUTED COPY of the foregoing mailed by
14 US Mail this 13th day of April, 2007 to:

15 Cynthia J. Modny
16 Address of Record

17 [Signature]